

VZCZCXRO0083
RR RUEHRN RUEHROV
DE RUEHFR #3147/01 2041552
ZNY CCCCC ZZH
R 231552Z JUL 07
FM AMEMBASSY PARIS
TO RUEHC/SECSTATE WASHDC 9093
INFO RUCNIAD/IGAD COLLECTIVE
RUEHXR/RWANDA COLLECTIVE
RUEHBS/AMEMBASSY BRUSSELS 6403
RUEHTC/AMEMBASSY THE HAGUE 2835
RUCNDT/USMISSION USUN NEW YORK 1300

C O N F I D E N T I A L SECTION 01 OF 03 PARIS 003147

SIPDIS

SIPDIS

E.O. 12958: DECL: 07/20/2017

TAGS: [PREL](#) [PGOV](#) [ICJ](#) [RW](#) [DJ](#) [FR](#)

SUBJECT: DJIBOUTI AND RWANDA: LEGAL ISSUES CONTINUE TO
CLOUD RELATIONS

REF: A. PARIS 1785

[1](#)B. DJIBOUTI 778

Classified By: Political Minister-Counselor Josiah Rosenblatt, 1.4 (b/d
).

[1](#)1. (C) SUMMARY: MFA DAS-equivalent Helene Le Gal on June 19 said that legal issues concerning the death of French magistrate Bernard Borrel continued to aggravate relations with Djibouti. Le Gal confided that she was beginning to believe that Borrel's death may have been the result of foul play (as opposed to suicide) and that parties other than the Djiboutian government (i.e., members of the French expat community) may have been responsible. She reported that there had been no movement to restore relations by the Rwandans (the ball being in their court, in GOF eyes). Le Gal said that Rwanda had formally requested the extradition of Isaac Kamali, accused of crimes committed during the 1994 genocide. Kamali remained in French custody, with the extradition request now pending before a French judge. Le Gal did not know whether Kamali's extradition, should it occur, would lead to an improvement in France-Rwanda relations, which remain completely severed. The French on July 20 arrested two other Rwandans wanted by the ICTR; they remain in custody as their cases are being processed. END SUMMARY.

[1](#)2. (C) Helene Le Gal, MFA DAS-equivalent for East and Central Africa, met with Deputy NIO for Africa Eric Silla and INR/AA Bernadette Graves on July 19. Among a number of topics, Le Gal provided an update on France's relations with Djibouti and Rwanda.

DJIBOUTI

[1](#)3. (C) BACKGROUND: As reported reftels and in numerous Paris Points (available at Embassy Paris's SIPRNET site, <http://199.56.188.37/search?search=djibouti&sources=PARIS>), the case of French magistrate Bernard Borrel's death in Djibouti in 1995 continues to fester, an irritant to both France and Djibouti, with potentially damaging consequences should on-going investigations reveal that he died as a result of criminal behavior, especially if involvement by the Government of Djibouti or its officials can be demonstrated.

[1](#)4. (C) BACKGROUND CONT'D: Mrs. Borrel has been diligent through the years in attempting to overturn the "official" determination of suicide, without, until recently, succeeding in changing the GOF's view that her husband had committed suicide, although she drew significant media attention and elicited public sympathy. However, the case began taking a new direction when Sarkozy's administration took power in May. Soon thereafter, Sarkozy met with and expressed

sympathy toward Mrs. Borrel, with French prosecutorial authorities stating the day of the Sarkozy-Borrel meeting that the evidence showed that Mr. Borrel had been murdered. This was a change in France's "official" position that the case was a suicide and that efforts to prove otherwise were senseless.

15. (C) BACKGROUND CONT'D: A number of lawsuits continue to be litigated, among them Mrs. Borrel's attempt to reverse the finding of suicide (with Investigative Judge Sophie Clement conducting the investigation), and Mrs. Borrel's suit against the MFA and other parties for allegedly trying improperly to pressure Clement when an MFA spokesperson (Herve Ladsous, present Ambassador to China) publicly "promised" to give Clement's case files to Djibouti (which Clement refused to do) and to otherwise cover up the circumstances of Borrel's death. Unable to obtain Clement's files, the Djiboutians brought suit at the ICJ to obtain the files. All of these cases remain active. Pursuant to the local cases, the MFA, MOD, MOJ, and certain personal residences, including the Paris and country homes of Michel de Bonnecorse, former Africa Counselor to President Chirac, were searched during the past few weeks for documents pertaining to Borrel's death and any subsequent cover-up, with a quantity of documents seized. The French Presidency refused to allow searches of the Presidency's offices to take place, claiming executive privilege. Some of the documents reportedly raised questions about the original finding of suicide. Clement has issued warrants against several Djiboutians for alleged involvement in Borrel's death and subpoenaed Djibouti President Guelleh, among others, to testify as witnesses, which Guelleh has not honored, citing immunity from process as chief of state. Djiboutian officials have consistently claimed that Borrel killed himself, citing several earlier GOF "official" findings that such was the case.

PARIS 00003147 002 OF 003

16. (C) BACKGROUND CONT'D: Investigative Judge Clement has recently held hearings that have included the testimony of a French military officer (Loic Lucas) who served in Djibouti when Borrel died. (See July 19 Paris Points.) Lucas reportedly told Clement that there were rumors that Borrel was investigating "trafficking" involving Guelleh (who had not yet become president), although Lucas reportedly offered no concrete evidence. Lucas stated his belief that Borrel was murdered, but reportedly told Clement that he did not believe the Djiboutian government, Guelleh, or other Djiboutian officials were involved. Lucas said that the killing bore the marks of a mafia-style Corsican hit, and that the French expatriate community in Djibouti, some of whom were involved in nefarious activities, could have had Borrel killed. END BACKGROUND.

17. (C) MFA DAS-equivalent Le Gal, at the July 19 meeting with Deputy NIO Silla, noted that the most recent GOF declaration of "murder" was in fact the fourth judicial declaration since 1995, each by a different judicial authority. Earlier determinations had included findings of suicide. Le Gal said that the most recent "finding" was therefore not necessarily dispositive, especially since Clement's investigations and the other lawsuits had not run their course. That said, Le Gal confided that the accumulation of evidence was beginning to persuade her that perhaps Lucas was correct, that Borrel had stumbled upon criminal activity not connected to Djiboutian authorities and was killed as a result. She added that she would not be surprised if Lucas's comment that the killing was an entirely "franco-francais" affair turned out to be correct. (COMMENT: This is the first time to our knowledge that a GOF official not associated with the French judiciary has conceded, even in private discussion, that perhaps Borrel had been murdered. END COMMENT.)

18. (C) Le Gal said that France and Djibouti continued to try to conduct business as usual, with both sides eager to

minimize the effect of the Borrel case on shared long-term interests. She noted a recent favorable press report on good cooperation concerning France's military base in Djibouti, for example. The case nonetheless was a regular intrusion creating friction, and Le Gal expressed concern about possible adverse effects if the investigations and lawsuits demonstrate convincingly that Borrel was murdered and if the identity of his killers is determined. She noted that the Djiboutians had developed a better understanding of the French judiciary's independence but remained frustrated that the GOF could not simply "order a stop" to the investigations.

¶9. (C) COMMENT: France places great value on its military installation in Djibouti, which presently numbers about 2,818 French military personnel and which will continue to serve as one of France's military hubs in Africa. Maintaining sufficiently good relations with the Djiboutian government, and thus continued base rights and privileges, is a high priority for France. The Borrel case could jeopardize this arrangement, which is why the MFA and Presidency remain concerned about it. French officials are anxious as well about the fierce independence Judge Clement and the judiciary have displayed and about the conclusions the investigations and lawsuits may yield in terms of how Borrel died. END COMMENT.

RWANDA

¶10. (C) Le Gal was downbeat about Rwanda, as she had been in May (ref A). She said that France would be receptive to any outreach from Rwanda but that there had been none since the formal severance of relations in November 2006. Neither side had any official connection or presence and all official activities had ceased. She indicated that it was incumbent on Rwanda to make the first overture because Rwanda had severed relations. Le Gal noted, however, that the GOF was trying to indicate its willingness to improve relations. She said that the GOF had responded positively in the case of Isaac Kamali, wanted for crimes related to the 1994 genocide and taken into custody by the GOF after his expulsion from the U.S. She commented on the quick and rapid cooperation all sides had shown in response to Kamali's appearance in the U.S.

¶11. (C) The only recent official contact between France and Rwanda occurred when Rwanda formally requested that France extradite Kamali to Rwanda. Here again, Le Gal said with a tone of regret, the French judiciary would play a large role. A French court was considering the extradition request and

PARIS 00003147 003 OF 003

Kamali's efforts to resist it. Le Gal could not predict the outcome of this process, stressing again the judiciary's independence. The uncertainty about what the court would do prevented France from exploiting with Rwanda its "positive" handling of the Kamali case. His extradition to Rwanda would likely (but not certainly) ease relations. Le Gal said that the result of any judgment quashing the extradition request would be bad for relations "but not that bad, since relations are already non-existent."

¶12. (C) Le Gal said that Belgium continued to watch over French interests in Rwanda but that this arrangement was not entirely satisfactory for the GOF. Although well intentioned and generally reliable, such protecting powers "often had their own agendas," Le Gal commented, with obvious reference to Belgium. Even if the Kamali case were not a factor, Le Gal indicated, it was not clear what either side could do to improve relations (and still maintain face), or whether Rwanda even had any interest in doing so.

¶13. (U) NOTE: The MFA announced on July 23 that French authorities had taken into custody on July 20 two other Rwandans (P. Wenceslas Munyeshyaka and Laurent Bucyibaruta) wanted by the ICTR. The MFA spokesperson said on July 23 that "after the taking of M. Kamali into custody a few weeks

ago, these new arrests demonstrate the willingness of French authorities to cooperate fully with the ICTR. . . . Concerning the handling of these cases, the judicial process must now run its course" END NOTE.

Please visit Paris' Classified Website at:
<http://www.state.sgov.gov/p/eur/paris/index.c> fm

STAPLETON